

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl.No. 3643 of 2007()

CRIME NO.109/07 OF WALAYAR POLICE STATION
CRLMP.1995/2007 of DISTRICT COURT, PALAKKAD
CMP.1952/2007 of J.M.F.C.-I,PALAKKAD
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PETITIONER/ACCUSED NOS 1 TO 6

1. JAYAN, S/O.PONNUMANI, PUTHANPURA VEEDU,
KANJIKODE, PALAKKAD.
2. DHANASEKHARAN, S/O.RANGASWAMY,
KURUDIKKAD, PUDUSSERY, PALAKKAD.
3. SASI, S/O.PONNUMANI, PUTHENPURA,
KOYYAMARAKKAD, KANJIKODE, PALAKKAD.
4. SREEKRISHNAN, ALIAS RAJI,
S/O.KOSU, PA COMPANY,
VEEDU, KOYYAMARAKKAD, PALAKKAD.
5. NAZAR, S/O.JALALUDEEN,
KOYYAMARAKKAD, KANJIKODE,
PALAKKAD.
6. MURUGES, S/O.RAMASWAMY, PAYATTUKADU,
KANJIKODE, PALAKKAD.

BY ADV. SRI.SAJAN VARGHESE K.
SRI.LIJU. M.P

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE SUB INSPECTOR,
WALAYAR POLICE STATION, REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3643 of 2007

Dated this the 19th day of June, 2007

ORDER

The petitioners are accused 1 to 6 and they face allegations, inter alia, under Section 326 and 307 r/w. 149 I.P.C. On account of organisational animosity between the V.H.P. and C.P.M. the petitioners, who are allegedly activists of C.P.M. were members of an unlawful assembly of persons on 21.5.2007 at 8.30 p.m. They allegedly waited for the defacto complainant and unleashed an attack on him with swords, choppers and iron rods resulting in grievous injuries to the victim/defacto complainant. The said victim/defacto complainant is the accused in an earlier crime and the said incident allegedly acted as the motive for the present crime. Petitioners were arrested on 25.5.2007. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They may now be enlarged on bail, subject to appropriate conditions, it is prayed.

3. The learned Public Prosecutor opposes the application for their release now. Some further time may be granted to the police

to complete the investigation. Appropriate and stringent conditions may be imposed to ensure that there is no threat to the law and order situation in the locality.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can be directed to be enlarged on bail subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall not be released from custody on the strength of this order prior to 1.7.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) They shall execute bonds for Rs.75,000/- (Rupees seventy five thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) The petitioners shall not enter the Sessions Division of Palghat until further orders. They shall report before the Chief Judicial Magistrate, Trichur at 11 a.m. on all Mondays until further orders.

(d) The Investigating Officer, if he wants to further interrogate the petitioners, can seek the permission of the Chief Judicial Magistrate, Trichur and resort to such interrogation.

(R. BASANT)
Judge

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